

**PHARMACY EXAMINING BOARD  
FEBRUARY 3, 2010  
MEETING MINUTES**

- PRESENT:** Timothy Boehmer, R.Ph.; Amy Mattila, R.Ph.; Jeanne Severson, R.Ph., Jason Walker-Crawford, R.Ph.; Suzette Renwick (by telephone); and Gregory C. Weber, R.Ph.
- EXCUSED:** Pamela Phillips
- STAFF:** Gail Sumi, Bureau Director; Mike Berndt, DRL Board Counsel; Michelle Solem, Bureau Assistant; and other DRL Staff
- GUESTS:** Jason Knox, Community Memorial Hospital; Brad Shaw, Stefan Lindberg, and Andrew Ruona, JAT Pharmacy; Jess Jacobs, Cardinal Health; Gary Plank and Robert Phillips, Marshfield Clinic; Maria Wopat, Michelle Maltar and Tom Dilworth, Pharmacy Students at University of Wisconsin – School of Pharmacy; Judy Warmuth, Wisconsin Hospital Association; Lisa Sobotkiewicz, Target Pharmacy; Eric Knox, Wisconsin Department of Corrections (DOC); Katie Walby, Foley; Kelly Becker; Yolanda Tolson and Tom Ludwig, Access Community Health Centers; and Doug Englebert, Wisconsin Dept. of Health Services.

**CALL TO ORDER**

Jeanne Severson, Board Chair, called the meeting to order at 9:01 a.m. A quorum of 6 members was confirmed. Jeanne Severson introduced Gail Sumi as the new Bureau Director for the Pharmacy Examining Board.

**APPROVAL OF AGENDA**

**Amendments:**

- Move H, I, and J to after Item P to accommodate the appearance related to remote dispensing.
- Add after item “G” from Red Folder
  - Roundys Variance
- Add pages to Item P from Red Folder
  - Related to remote dispensing
- Add pages to Item Y from Red Folder
  - Concordia Pharmacy
- Add Item W from Red Folder
- Item T – pages should be 118 -119 page 119 was shown twice.
- Item H – pages should be pages 35-46
- Item I – pages should be pages 47-50

**MOTION:** Jason Walker-Crawford moved, seconded Amy Mattila, to approve the agenda as amended. Motion carried unanimously.

## **APPROVAL OF MINUTES OF DECEMBER 2, 2009**

### **Corrections:**

- Matt Mabie should only be listed once – leave DPH for Ted
- Page 8 insert word “Wisconsin” in front of – School of Pharmacy
- Page 9 should be a period at the end of paragraph related NABP
- Page 11 noted that the Board directed the Department to develop a scope statement related to the first three items under future rule making.
- Page 11 pandemic flu DPH replaced with DHS.
- Third sentence citation PHARM 7.01 (1)(e) not (1) (3).

**MOTION:** Jason Walker-Crawford moved, seconded by Amy Mattila, to approve the December 2, 2009 minutes as amended. Motion carried unanimously.

### **PRESENTATION OF PROPOSED STIPULATIONS**

#### **HANLIE DEVRIES, R.PH.**

Attorney Sandra Nowack presented the Proposed Stipulation, Final Decision and Order in the matter of Hanlie DeVries, R.Ph.. She recommended that the case be closed for no violation or compliance gained. Deliberation will be in closed session.

#### **ALAN DICKMAN, R.PH.**

Attorney Jeanette Lytle presented the Proposed Stipulation, Final Decision and Order in the matter of Alan Dickman, R.Ph.. Deliberation will be in closed session.

### **BOARD APPOINTMENTS**

Chair, Jeanne Severson, made the following Board appointments:

Screening Panel – Amy Mattila, Greg Weber, and Suzette Renwick

Credentialing Liaison – Tim Boehmer, Greg Weber (alternate) and Jeanne Severson (alternate)

Legislative Liaison – Jason Walker-Crawford, Jeanne Severson (alternate), Greg Weber (alternate) and Tim Boehmer (Alternate)

Division of Enforcement Monitoring Liaison – Amy Mattila

Division of Enforcement Inspection Liaison – Amy Mattila

NABP examination question writing workshop volunteer – Amy Mattila

NABP examination question review volunteer – Jeanne Severson

Controlled Substances Board Representative Member – Tim Boehmer

State Council on Alcohol and Other Drug Abuse Representative Member – Pamela Phillips

Quality Review Council – After some discussion, this appointment has been dissolved.

Regulatory Digest Advisor – Greg Weber

Pharmacy Advisory Council – Greg Weber and Jeanne Severson

Impaired Professionals Procedure (IPP) Liaison – Amy Mattila

Continuing Education Liaison – Jeanne Severson

Practice Question Liaison – Jason Walker-Crawford and Greg Weber

## **MOTION IDENTIFYING A BOARD LICENSING LIAISON AND DELEGATING CERTAIN LICENSING AUTHORITY**

There are no changes to the delegation of certain licensing authority therefore the previously signed motion will remain in effect.

### **ADMINISTRATIVE REPORT**

#### **Board Chair and Vice-Chair Training**

Jason Walker-Crawford indicated that the training was outstanding. He highly recommended that future chairs and vice chairs attend future training.

#### **Update of Board Web Pages on DRL Website – Appoint Reviewers**

Jeanne Severson suggested to the Board that each member review the website and report issues to Gail Sumi. Greg Weber suggested that the Board remove items that are older than three years. Tim Boehmer indicated that he was unable to open the white papers.

#### **Annual Policy Review**

Gail Sumi indicated that the only change to the policies included in the packet was the increase in the reimbursable dollar amount for one checked bag that was increased from \$15 to \$25. Tim Boehmer asked Gail to review the NABP travel to increase the participation in the NABP meetings due to the fact that NABP covers a majority of the cost of our attendance at that event. Gail Sumi introduced John Lease as the Division Administrator for the Division of Board Services. John Lease thanked the Board for their service to the citizens of the State of Wisconsin.

### **NATIONAL ASSOCIATION OF BOARD OF PHARMACY (NABP) 106<sup>th</sup> ANNUAL MEETING – ANAHEIM, CA**

Jeanne Severson asked the Board to review their calendars.

**MOTION:** Tim Boehmer moved, seconded by Greg Weber, to designate Amy Mattila as delegate and Jason Walker-Crawford as alternate to the 106<sup>th</sup> Annual NABP meeting in Anaheim, CA. Motion carried unanimously.

### **MULTISTATE PHARMACY JURISPRUDENCE EXAMINATION (MPJE) QUESTION WRITING WORKSHOP APRIL 8-9, 2010 – MT. PROSPECT**

Amy Mattila will be participating on behalf of the Board.

### **VARIANCE REPORT ROUNDY's**

Noted.

**REMOTE DISPENSING SITE APPROVAL REQUEST  
MARSHFIELD CLINIC – EAU CLAIRE, WI**

Gary Plank appeared and changed the opening date to March 1, 2010. All questions asked by the Board were answered in a manner acceptable to the Board.

**MOTION:** Jason Walker-Crawford moved, seconded by Amy Mattila, to grant the variance with the amendments. Motion carried unanimously.

**REMOTE DISPENSING QUARTERLY SITE REPORTS  
MARSHFIELD CLINIC – LAKE HALLIE AND MERCER, WI**

Noted.

**REMOTE DISPENSING SITE APPROVAL REQUEST  
COMMUNITY MEMORIAL HOSPITAL – OCONTO FALLS, WI**

Noted.

**MOTION:** Tim Boehmer moved, seconded by Jason Walker-Crawford, to extend the variance authorization date indefinitely. Motion carried unanimously.

**VARIANCE REPORTS  
ROESCHEN'S OMNICARE PHARMACY**

Noted.

**VARIANCE REPORTS  
AURORA HEALTH CARE  
TECH-CHECK-TECH SEMI-ANNUAL REPORT**

Aurora Health Care has asked that 2 sites be removed from the variance. The Board requested that Aurora Health Care submit a revised variance request indicating which sites will be kept and which will be removed.

**VARIANCE REPORTS  
DELIVERY VARIANCE – QUADMED PHARMACIES**

Noted.

**VARIANCE REPORTS  
MORTON PHARMACY**

The Board suggested that Department request additional information from this pharmacy. Gail Sumi and Jeanne Severson will work with Morton Pharmacy to have the information resubmitted to provide information in a format that would be useful to the Board.

## **SCOPE STATEMENT – INCREASING INTERNSHIP HOURS AND VARIOUS OTHER CHANGES**

After some discussion, the Board decided to issue 2 scope statements. The first would encompass Phar 1.02(7) changing “north American pharmacy licensing examination” to “North American Pharmacist Licensure Examination” (NAPLEX) and “American council on pharmaceutical education” to “Accreditation Council for Pharmacy Education.” The second would encompass Phar 17.02(5) changing the number of hours from 1500 to 1740 (by 1/1/12) and Phar 17.07(1) defining Student non-academic internship (after second professional year).

The Board suggested reviewing all of the pharmacy related rules and statutes checking for the changes that are necessary.

**MOTION:** Jason Walker-Crawford moved, seconded by Amy Mattila, to add item 3 under potential rule making of the agenda packet to the existing scope statement and to further clarify the scope statement to include recommendation of the Board. Motion carried unanimously.

### **RULE WRITING REMOTE DISPENSING**

CR09-099 was updated by motion of the Board after the last meeting to include a distance limitation as well as a change to the hours required of pharmacy technicians to dispense remotely. Kelly Becker, Aid to Senator Jon Erpenbach, read a statement from the Senator. The Senator requested that the distance limitation be removed and indicated that the Legislature can draft and has drafted legislation that will prevent the Pharmacy Examining Board from including the distance limitation. Tim Boehmer indicated that he made his decision to support including mileage requirements based on the national discussion for health care reform. He expressed concern over the timeline for receiving legislative feedback regarding the change to the rule to include the mileage requirements. Mike Berndt indicated that both the Legislature and the Board have followed the appropriate processes.

Dr. Robert Phillips – Marshfield Clinic – asked that the PEB drop the mileage restriction.  
Jason Knox – Community Memorial Hospital – supports removing the mileage restriction.  
Tom Ludwig – Access Community Health Centers – expressed concern related to the mileage restriction but understood from the discussion that there would be a possibility of a variance.

Mike Berndt indicated that if this rule is not passed, the Board would not be able to implement the remote dispensing variances. Tim Boehmer indicated that this is a matter of public safety in that a pharmacist is not present at the remote dispensing site. Amy Mattila indicated that the reason that the mileage requirement was not included in the legislation was because that would prevent the Board from granting variances. Gail Sumi indicated that she understood that it is the intent of the Legislature to object to the mileage requirement thereby voiding that portion of the rule but allowing the remainder of the rule to be enacted. Greg Weber indicated that he would like to remove the mileage restriction. Jason Walker-Crawford noted that he would like to keep the mileage restriction but in light of the statement from Senator Erpenbach, he would remove the mileage restriction to allow the remainder of the rule to be put into action. Suzette Renwick agreed with Jason Walker-Crawford related to removing the mileage restriction.

**MOTION:** Greg Weber moved by, seconded by Jason Walker-Crawford, to resubmit the rule as written with the removal of the mileage restriction. Motion carried with Tim Boehmer and Amy Mattila voting in opposition.

### **REMOTE DISPENSING SITE NOTICE FORM BOARD REVIEW**

*Suzette Renwick left the meeting.*

Kris will make the following changes:

- Delete all information related to the mileage restriction from the form.
- Correct typographical and formatting errors.
- Remove a bullet from the second page

### **SPEAKING ENGAGEMENT AND TRAVEL REQUESTS**

None.

### **VARIANCE REQUESTS AND REPORTS RECEIVED IN THE BUREAU AFTER MAILING OF THE AGENDA**

None.

### **BOARD REVIEW OF CURRENT AND FUTURE RULEMAKING AND LEGISLATIVE INITIATIVES – DISCUSS AND SET PRIORITIES**

The Scope Statement addresses several of these items.

The Board discussed additional priorities. Tim Boehmer asked for clarification related to limited licenses. Mike Berndt explained that limited licenses are associated with discipline. Tim Boehmer then asked the Board to consider additional license types. He suggested that the Board issue a scope of practice statement to address the additional licenses that are needed and most specifically for the entities providing prescription oxygen to patients. Jason Walker-Crawford asked the Board to consider a Pharmacy Technician license to allow discipline and tracking of disciplinary actions. The Board decided to add clean sweep legislation to the list of possible future legislative initiatives.

### **SUMMARY REPORTS ON ADMINISTRATIVE RULES**

Jeanne Severson noted that the following items were included:

- Line 31 Addresses scope statement for practice hours, internship, NABP and ACPE
- Line 32 Addresses the remote dispensing rule
- Line 33 Addresses facsimile prescriptions
- Line 34 Addresses Alarms
- Line 35 Addresses the Typographical Error.

## **PANDEMIC FLU PREPAREDNESS**

Greg Weber indicated that the age restriction related to vaccines variance is valid for 90 days. He also indicated that there has been a 4<sup>th</sup> extension of the distribution of pandemic flu counter measures. Jeanne Severson asked that this be included on the next agenda.

### **WIS. STAT. S 450.073 (3) TRACK AND TRACE**

Mike Berndt told the Board that the Board could delay implementation due to that lack of available technology.

MOTION: Jason Walker-Crawford moved, seconded by Amy Mattila, to delay the implementation date to no earlier than July 1, 2015 as per 450.073(3).  
Motion carried unanimously.

### **PHARMACEUTICAL SERVICES DEFINITION AND LIMITED PHARMACY LICENSES**

Tim Boehmer indicated that he was unable to find a definition of Pharmaceutical Services. He also noted that there have been several requests for cognitive licenses. He indicated that several states have models that could cover the cognitive license. The Board asked the Department to provide them with a copy of the Pharmacy Practice Act from NABP and that this item be placed on the next agenda.

## **REGULATORY DIGEST**

Greg Weber reported that he should have something to report at the April meeting. He has been concentrating on the PSW presentation. He told the Board that they could submit articles to him. He will create a working list of potential articles for the digest.

## **LEGISLATIVE LIAISON REPORT**

### **AB 227**

This bill has passed the Assembly. This bill has been scheduled in the Senate and is expected to pass.

### **AB 506**

No Movement.

### **AB651**

No Movement.

### **AB653**

The antimicrobial bill has had hearings. PSW has testified against it while DHS has testified for it. There are still questions related to the EPT. The prescription will be written without a name but the pharmacist must get the name associated with the prescription prior to dispensing the medication.

**SB 180**

No Movement.

**SB 198**

No Movement.

**SB 402**

There has been a Senate hearing related to this bill.

The Epilepsy bill has not gone anywhere since the fiscal estimate was published.

Tim Boehmer asked for more information related to the medical marijuana legislation in Wisconsin and other states.

**DOE INSPECTION LIAISON REPORT  
AMY MATTILA**

No report at this time.

**CREDENTIALING LIAISON REPORT  
TIMOTHY BOEHMER**

Tim Boehmer had discussed his concerns throughout the meeting.

**QUALITY REVIEW COUNCIL REPORT  
JEANNE SEVERSON**

The Board directed Jason Walker-Crawford to correspond with the Pharmacy Schools to inform them that a representative from the Board will no longer participate.

**STATE COUNCIL ON ALCOHOL AND OTHER  
DRUG ABUSE (SCAODA) REPORT  
PAMELA PHILLIPS**

No report at this time. Tom Ryan suggested that this item be put on the next agenda to see if she is still interested in this position.

**NATIONAL ASSOCIATION OF BOARDS OF PHARMACY  
COMMITTEE ON LAW ENFORCEMENT/LEGISLATION MEETING  
AMY MATTILA**

Amy Mattila met with the group last week in Chicago. They reviewed the models and suggested changes to terminology.

**DRUG ENFORCEMENT ADMINISTRATION  
MONTHLY DRUG THEFT AND LOSS REPORTS.**

The Board reviewed recent monthly theft and loss reports received from the Drug Enforcement Administration. Greg Weber indicated that there is a corrected report for December which showed a 4<sup>th</sup> incident reported for a pharmacy in La Crosse.

**INFORMATIONAL ITEMS**

Noted.

**PUBLIC COMMENTS**

None.

**CLOSED SESSION**

**MOTION:** Jason Walker-Crawford moved, seconded by Tim Boehmer, to convene to closed session to deliberate on case(s) following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b) and 440.205); to consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll Call Vote: Timothy Boehmer-yes; Jason Walker-Crawford-yes; Gregory C. Weber-yes; Jeanne Severson-yes; Amy Mattila - yes. Motion carried unanimously.

Open session recessed at 2:11 p.m.

**RECONVENE TO OPEN SESSION**

**MOTION:** Jason Walker-Crawford moved, seconded by Amy Mattila, to reconvene into open session at 3:56 p.m. Motion carried unanimously.

**VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION**

**PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

**07 PHM 012**

**MOTION:** Jason Walker-Crawford moved, seconded by Tim Boehmer, to close case 07 PHM 012 for no violation based on recommendation from DOE attorney and case advisor. Motion carried unanimously.

**ALAN DICKMAN, R.PH.**

**MOTION:** Tim Boehmer moved, seconded by Jason Walker-Crawford, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Alan Dickman, R.Ph. Motion carried unanimously.

## **CASE CLOSINGS**

### **07 PHM 031**

**MOTION:** Tim Boehmer moved, seconded by Jason Walker-Crawford, to close case 07 PHM 031 for Prosecutorial Discretion (P5). Motion carried. Amy Mattila abstained.

### **09 PHM 043**

**MOTION:** Greg Weber moved, seconded by Amy Mattila, to close case 09 PHM 043 for Compliance Gained. Motion carried unanimously.

## **MONITORING**

### **ROBERT KUNDE, R.PH. REQUESTING STAY AND MODIFICATION**

**MOTION:** Jason Walker-Crawford moved, seconded by Amy Mattila, to grant Robert Kunde's request for a three month stay and modification increasing PIC hours to 24. Motion carried unanimously.

### **MARK HENSTEIN, R.PH. REQUESTING EXTENSION**

**MOTION:** Tim Boehmer moved, seconded by Jason Walker-Crawford, to grant Mark Henstein's request for extension of time to take the Multistate Pharmacy Jurisprudence Examination with the results submitted to the Department Monitor prior to the next Pharmacy Examining Board meeting scheduled for April 7, 2010. Motion carried unanimously.

## **APPLICATION REVIEW**

### **MATTHEW J. KOLB APPLICATION REVIEW**

Noted.

## **ADJOURNMENT**

**MOTION:** Jason Walker-Crawford moved, seconded by Tim Boehmer, to adjourn the meeting at 4:00 p.m. Motion carried unanimously.